

State of Utah  
Administrative Rule Analysis

**NOTICE OF PROPOSED RULE OR CHANGE**

The agency identified below in box 1 provides notice of proposed rule or change pursuant to Utah Code Subsections 63-46a-4(2) and (4). Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

<b>State of Utah</b> Division of Administrative Rules (DAR) 4120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-1773 State E-mail: <i>asdomain.asitmain.rules</i>	<table style="width: 100%; border-collapse: collapse;"><tr><td colspan="2" style="border-bottom: 1px solid black; padding: 2px 5px;">DAR file no.:</td></tr><tr><td style="border-bottom: 1px solid black; padding: 2px 5px;">Utah Admin. Code ref. (R no.):</td><td style="border-bottom: 1px solid black; padding: 2px 5px;">R156-67-306</td></tr><tr><td style="border-bottom: 1px solid black; padding: 2px 5px;">Date filed:</td><td style="border-bottom: 1px solid black; padding: 2px 5px;"></td></tr><tr><td style="border-bottom: 1px solid black; padding: 2px 5px;">Time filed:</td><td style="border-bottom: 1px solid black; padding: 2px 5px;"></td></tr><tr><td style="border-bottom: 1px solid black; padding: 2px 5px;">Received by:</td><td style="border-bottom: 1px solid black; padding: 2px 5px;"></td></tr></table>	DAR file no.:		Utah Admin. Code ref. (R no.):	R156-67-306	Date filed:		Time filed:		Received by:	
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1. Department: Commerce

Agency: Occupational and Professional Licensing

Room no., building: Heber M. Wells Building - 4th Floor

Street address: 160 East 300 South

Mailing address: PO Box 146741

City, state ZIP: Salt Lake City UT 84114-6741

Contact person: Diana Baker

Telephone: (801) 530-6179

FAX: (801) 530-6511

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(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):

Exemptions from Licensure

3. Type of notice:

Proposed rules	New	X Amendment	Repeal
	Repeal and reenact		

Other rule types      Change in proposed rule      (changes original proposed rule file no.: \_\_\_\_\_ )

4. Purpose of the rule or reason for the change:

With the upcoming potential risks associated with Olympic events and for safety and security purposes, it seems prudent to allow access and training for the Mark I automatic injector antidote kits for non-certified personnel such as police, firemen, public works employees and security personnel.

5. This rule or change is a response to comments by the Administrative Rules Review Committee.      Yes      X      No

6. Summary of the rule or change:

In Section 306, paragraph (4), amendments are being proposed so that non-licensed public safety individuals, such as those identified

above, who do not have emergency medical technician (EMT) certification and who may be required to respond to potential threats to public safety and may need to inject himself and his "buddy" during a time of actual contamination of the environment with toxic gases are exempted from licensure under the Medical Practice Act. The Mark I automatic injector antidote kits are provided to such individuals by the Utah State Department of Health. Training for the use of the automatic injectors is also provided through the Utah State Department of Health.

7. Aggregate anticipated cost or savings to:

- |                   |  |
|-------------------|--|
| State budget:     | The Federal Government has provided funding to the Department of Health for approximately 18,000 units of the Mark I automatic injector antidote kits to be available during Olympic events. The Division anticipates only minimal costs, less than \$50.00, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. A process is already in place with the Department of Health for the training of non-licensed public safety individuals and training is currently being provided to EMT's on the use of the antidote injectors. Additional expenses may be incurred by state agencies for the training of new responders . The training course offered through the Department of Health costs approximately \$75.00 per person. This includes the instructors time and cost of materials. However, the Department of Health is also conducting a "train the trainer" program for various companies and government agencies so that their employees may be trained in the use of the injector antidote kits without having to attend the Department of Health training. The Division has no information with respect to how many persons will need to complete the training or how many responders have been designated in order to determine an aggregate cost. |
| Local government: | A process is already in place with the Department of Health for the training of non-licensed public safety individuals and training is currently being provided to EMT's on the use of the antidote injectors. Additional expenses may be incurred by local governments for the training of new responders . The training course offered through the Department of Health costs approximately \$75.00 per person. This includes the instructors time and cost of materials. However, the Department of Health is also conducting a "train the trainer" program for various companies and government agencies so that their employees may be trained in the use of the injector antidote kits without having to attend the Department of Health training. The Division has no information with respect to how many persons will need to complete the training or how many responders have been designated in order to determine an aggregate cost.  |
| Other persons:    | The Division anticipates there will be no costs or savings associated with this rule filing to either the regulated profession (physicians/surgeons) or the general public since the proposed amendment only applies to non-licensed public safety individuals who are designated by appropriate city, county or state officials as responders.<br>Expenses may be incurred by companies or persons who have been designated by the appropriate city, county or state officials as responders to complete the injector antidote kit training course offered through the Department of Health. The training course offered through the Department of Health costs approximately \$75.00 per person. This includes the instructors time and cost of materials. However, the Department of Health is also conducting a "train the trainer" program for various companies and government agencies so that their employees may be trained in the use of the injector antidote kits without having to attend the Department of Health training. The Division has no information with respect to how many persons will need to complete the training or how many responders have been designated in order to determine an aggregate cost.   |

8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Expenses may be incurred by companies or persons who have been designated by the appropriate city, county or state officials as responders to complete the injector antidote kit training course offered through the Department of Health.. The training course offered through the Department of Health costs approximately \$75.00 per person. This includes the instructors time and cost of materials. However, the Department of Health is also conducting a "train the trainer" program for various companies and government agencies so that their employees may be trained in the use of the injector antidote kits without having to attend the Department of

Health training.	
<p>9. Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>The purpose of this rule change is to enhance public safety, and to reduce risks to individuals who respond to potential threats to the public safety. With this rule change, properly trained individuals designated by city, county or state officials may carry the Mark I automatic injector antidote kits and may administer the antidote to himself and his response buddy without having to obtain a physician's license. This rule does not appear to carry any negative impact to businesses. However, there may be a negative business impact to the community at large if the rule is not passed. Without this rule change, there may be insufficient emergency personnel who can legally respond to public safety emergencies, without putting themselves at risk of exposure to potential toxic gases. Ted Boyer, Executive Director.</p>	
<p>10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</p> <p>State code or constitution citations (required): <u>Section 58-67-101 and Subsections 58-1-106(1) and 58-1-202(1)</u></p> <p>Federal citations (optional): _____</p>	
<p>11. This rule or change adds or updates an incorporated reference (submit a copy to DAR): <span style="float: right;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></span></p> <p>Reference title and date of issue or edition: _____</p>	
<p>12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p> <p>Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): <u>02/14/2002</u></p> <p>A public hearing (optional) will be held on (mm/dd/yyyy): _____ at (time): _____</p> <p>at (place): _____</p>	
<p>13. This rule or change may become effective on (mm/dd/yyyy): <u>02/15/2002</u></p>	
<p>14. Indexing information - keywords (maximum of four, in lower case):</p> <p>physicians, licensing</p>	
<p>15. Indexing information - affected industries (two-digit SIC codes):</p> <p>n/a</p>	
<p>16. Attach a WordPerfect document containing the text of this rule or change (filename): <u>R156-67.pro</u></p>	
<p><b>To the agency:</b> Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>	

**AGENCY AUTHORIZATION**

Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	12/20/2001
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**R156. Commerce, Occupational and Professional Licensing.**

**R156-67. Utah Medical Practice Act Rules.**

**R156-67-306. Exemptions from Licensure.**

In accordance with Subsection 58-1-307(1), exemptions from licensure as a physician and surgeon include the following:

(1) any physician excepted from licensure, who engages in prescribing, dispensing, or administering a controlled substance outside

of a hospital, shall be required to apply for and obtain a Utah Controlled Substance License as a condition precedent to them administering, dispensing or prescribing a controlled substance;

(2) any physician appointed to a graduate medical education or training program which is not accredited by the ACGME, for which exception from licensure is requested under the provisions of Subsection 58-1-307(1)(c) shall apply for registration with and receive approval of the division and board as a condition precedent to that individual engaging in any activity included in the practice of medicine;

(3) any person engaged in a competent public screening program making measures of physiologic conditions including serum cholesterol, blood sugar and blood pressure, shall be exempt from licensure and shall not be considered to be engaged in the practice of medicine conditioned upon compliance with all of the following:

(a) all instruments or devices used in making measures are approved by the Food and Drug Administration of the U.S. Department of Health, to the extent an approval is required, and the instruments and devices are used in accordance with those approvals;

(b) the facilities and testing protocol meet any standards or personnel training requirements of the Utah Department of Health;

(c) unlicensed personnel shall not interpret results of measures or tests nor shall they make any recommendation with respect to treatment or the purchase of any product;

(d) licensed personnel shall act within the lawful scope of practice of their license classification;

(e) unlicensed personnel shall conform to the referral and follow-up protocol approved by the Utah Department of Health for each measure or test; and

(f) information provided to those persons measured or tested for the purpose of permitting them to interpret their own test results shall be only that approved by the Utah Department of Health;

(4) non-licensed public safety individuals~~[officials]~~ not having emergency medical technician (EMT) certification who are designated by appropriate city, county, or state officials as ~~[first-]~~responders may be issued and allowed to carry the Mark I automatic injector antidote ~~[injector-]~~kits and may administer the antidote to himself or his designated first response "buddy". Prior to being issued the kits, the ~~[certified first]~~designated responders ~~[would]~~must successfully complete a course on the use of auto-injectors~~[the Army/FEMA course on the "Use of Auto-Injectors by Civilian Emergency Medical Personnel"]~~. The kits ~~[would]~~may be issued to the responder only by his employing ~~[government]~~ agency and procured through the Utah Department of Health~~[Division of Comprehensive Emergency Management]~~. ~~No other individuals, whether licensed or not, shall prescribe or issue these antidote kits]~~.

KEY: physicians, licensing

~~[November 1, 2001]~~2002

Notice of Continuation July 19, 2001

58-67-101

58-1-106(1)

